

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

DEMETRIUS FLOWERS, et al

PLAINTIFFS

V.

NO. 3:08cv00040 JLH-JWC

G. COOK

DEFENDANT

ORDER

On August 19, 2008, Defendant filed a motion for summary judgment and brief in support (doc. 20, 21) seeking to dismiss Plaintiff's 42 U.S.C. § 1983 complaint on the grounds that he has failed to state a viable claim. Plaintiff is hereby notified of his opportunity to file a responsive pleading opposing Defendant's motion for summary judgment. Plaintiff is directed to file his responsive pleading within twenty (20) days of this order's entry-date.¹ Plaintiff is further advised that his response to the motion may include opposing or counteraffidavits, executed by him or other persons, which have either been sworn to under oath, i.e., notarized, or declared to under penalty of perjury in accordance with 28 U.S.C. § 1746. Any affidavits submitted by Plaintiff must be based upon the personal knowledge of the person executing the affidavit. No affidavit or other document containing Plaintiff's allegations will be considered when determining the motion for

¹ Plaintiff is reminded of his responsibility to comply with Local Rule 5.5(c)(2) of the Rules of the United States District Court for the Eastern District of Arkansas, which provides that: "It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding pro se shall be expected to be familiar with and follow the Federal Rules of Civil Procedure."

summary judgment unless it has been sworn to under oath or declared under penalty of perjury.

Defendant has also filed a statement of indisputable and material facts (doc. 22) pursuant to Local Rule 56.1 of the Rules of the United States District Court for the Eastern District of Arkansas. If Plaintiff disagrees with Defendant's statement of facts, Plaintiff is directed to file a separate, short and concise statement setting forth the facts which he thinks need to be decided at a trial. If Plaintiff does not file a statement of facts, the facts in Defendant's statement will be considered to be admitted.

IT IS SO ORDERED this 19th day of August, 2008.


UNITED STATES MAGISTRATE JUDGE